

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BRAHEEM LEWIS,**  
**Petitioner,**

**v.**

**JEROME WALSH,**  
**et al.,**  
**Respondents**

**CIVIL ACTION**

**No. 14-cv-01908-JS**

**ORDER**

AND NOW this 12<sup>th</sup> day of November, 2019, upon careful and

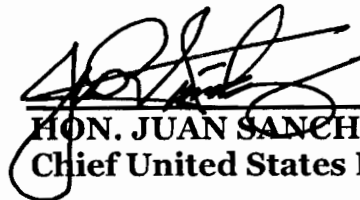
independent consideration of Braheem Lewis' petition for writ of habeas corpus (Doc. No. 1), Petitioner's memorandum in support of the petition (Doc. No. 13), the Commonwealth's response in opposition (Doc. No. 21), Petitioner's unopposed motion to amend the petition (Doc. No. 47), the Commonwealth's supplemental response to the petition, including the amendment (Doc. No. 51), and the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is APPROVED and ADOPTED;
2. Lewis' Petition for Writ of Habeas Corpus is PARTIALLY GRANTED by separate Judgment, filed contemporaneously with this Order. *See* Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12;
3. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) as to any other issue because "the applicant has [not] made a substantial showing

of the denial of a constitutional right[,]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find my "assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see *United States v. Cepero*, 224 F.3d 256, 262-63 (3d Cir. 2000), *abrogated on other grounds by Gonzalez v. Thaler*, 565 U.S. 134 (2012); and,

4. The Clerk of Court shall mark this file closed.

**BY THE COURT:**



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**HON. JUAN SANCHEZ**  
**Chief United States District Judge**